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5514 7590 07/19/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER CUTLER, ALBERT H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,199

Applicant(s)

TOMAT ET AL.

Examiner

Albert H. Cutler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 and 26-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14 and 26-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to application 10/806,199 filed on March 23, 2004. Claims 11-14, and 26-53 are pending in the application and have been examined by the examiner.

Information Disclosure Statement

2. The Information Disclosure Statement (IDS) mailed on March 23, 2004 was received and has been considered by the examiner.

Claim Objections

3. Claims 52 and 53 are objected to because of the following informalities: Lack of clarity and precision. Claims 52 and 53 each recite, "an icon to show **the device**". However, no "device" is mentioned previously in the claims. Please amend claims 52 and 53 to change "the device" to "a device", or something of similar nature. Appropriate correction is required.

Double Patenting

4. Claims 33 and 37 are objected to under 37 CFR 1.75 as being substantial duplicates of claims 32 and 36. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31-33, 41, 47, and 52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 31-33, 41, 47, and 52 define a computer-executable program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of the technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed computer-executable program can range from a paper on which the program is written to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 38-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Bullock et al.(US 5,943,050).

Consider claim 38, Bullock et al. teach:

An apparatus(figures 1-4) comprising:

means for detecting a connection to a device(By starting the “Capture Device” application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

means for controlling an output of at least one of a plurality of icons for setting the device, in case that the connection to the device is detected(See step 304, figure 19a, column 8, line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window showing the device(“capture device”, figure 4) is output. This window contains various operational icons including a settings icon(179, i.e. at least one of a plurality of icons) for setting the camera(column 5, lines 19-22, lines 33-36).).

Consider claim 39, and as applied to claim 38 above, Bullock et al. further teach the that the means for controlling further includes means for controlling an output of the plurality of icons together in a window(175, figure 4, column 5, lines 10-32).

Consider claim 40, Bullock et al. teach:

A method of image processing for an image processing apparatus which is able to manipulate image data in a device (figure 19a), the method comprising the steps of:

detecting a connection to a device (By starting the "Capture Device" application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

controlling an output of at least one of a plurality of icons for setting the device, in case that the connection to the device is detected (See step 304, figure 19a, column 8, line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window showing the device ("capture device", figure 4) is output. This window contains various operational icons including a settings icon (179, i.e. at least one of a plurality of icons) for setting the camera (column 5, lines 19-22, lines 33-36).).

Consider claim 41, Bullock et al. teach:

A computer-executable program (figure 3), said computer-executable program comprising the steps of:

detecting a connection to a device (By starting the "Capture Device" application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

controlling an output of at least one of a plurality of icons for setting the device, in case that the connection to the device is detected (See step 304, figure 19a, column 8,

line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window showing the device("capture device", figure 4) is output. This window contains various operational icons including a settings icon(179, i.e. at least one of a plurality of icons) for setting the camera(column 5, lines 19-22, lines 33-36).).

Consider claim 42, Bullock et al. teach:

A computer-readable medium("RAM", 124) storing computer-executable program(figure 3), the computer-executable program comprising the steps of:

detecting a connection to a device(By starting the "Capture Device" application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

controlling an output of at least one of a plurality of icons for setting the device, in case that the connection to the device is detected(See step 304, figure 19a, column 8, line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window showing the device("capture device", figure 4) is output. This window contains various operational icons including a settings icon(179, i.e. at least one of a plurality of icons) for setting the camera(column 5, lines 19-22, lines 33-36).).

Consider claim 43, Bullock et al. teach:

an apparatus(figure 1) comprising:

means for detecting a connection to a device(By starting the "Capture Device" application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

means for controlling an output of an icon, in a predetermined area, to show the device, in case that the connection to the device is detected(See step 304, figure 19a, column 8, line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window(i.e. an icon) showing the device("capture device", figure 4) is output.).

Consider claim 44, and as applied to claim 43 above, Bullock et al. further teach:
the means for controlling further includes means for controlling an output of a menu to control the device(175, figure 4, column 5, lines 11-59, step 306, figure 19a, column 9, lines 1-5.).

Consider claim 45, and as applied to claim 43 above, Bullock et al. further teach that the predetermined area is different from a taskbar area(see figure 4, column 5, lines 40-45).

Consider claim 46, Bullock et al. teach:

A method of image processing for an image processing apparatus which is able to manipulate image data in a device(figure 19a), the method comprising the steps of:

detecting a connection to a device(By starting the "Capture Device" application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

controlling an output of an icon, in a predetermined area, to show the device, in case that the connection to the device is detected(See step 304, figure 19a, column 8, line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window(i.e. an icon) showing the device("capture device", figure 4) is output.).

Consider claim 47, Bullock et al. teach:

A computer-executable program(figure 3) comprising the steps of:

detecting a connection to a device(By starting the "Capture Device" application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

controlling an output of an icon, in a predetermined area, to show the device, in case that the connection to the device is detected(See step 304, figure 19a, column 8, line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window(i.e. an icon) showing the device("capture device", figure 4) is output.).

Consider claim 48, Bullock et al. teach:

A computer-readable medium(RAM 124) storing computer-executable program(figure 3), the computer-executable program comprising the steps of:

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detecting a connection to a device(By starting the "Capture Device" application, a connection to a camera is detected, column 5, lines 40-45, column 8, lines 59-63, step 302, figure 19a.); and

controlling an output of an icon, in a predetermined area, to show the device, in case that the connection to the device is detected(See step 304, figure 19a, column 8, line 66 through column 9, line 5, figure 4, column 5, lines 40-47. A window(i.e. an icon) showing the device("capture device", figure 4) is output.).

8. Claims 49-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al.(US 6,522,354).

Consider claim 49, Kawamura et al. teach:

an apparatus(figures 1-3) for image processing to browse an image in a device(column 5, lines 31-55, column 8, line 63 through column 9, line 4), comprising:

means for determining whether the image is loaded or unloaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.); and

means for controlling an output of information showing the image has been loaded, in case it is determined that the image is loaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.).

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Consider claim 50, and as applied to claim 49 above, Kawamura et al. further teach that the means for controlling further includes means for outputting together both the image and an icon showing the image has been loaded(See figure 6).

Consider claim 51, Kawamura et al. teach:

A method for image processing to browse an image in a device(column 5, lines 31-55, column 8, line 63 through column 9, line 4), the method comprising the steps of:

determining whether an image is loaded or unloaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.); and

controlling an output of an icon to shown the device in a predetermined area, in case it is determined that the image is loaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.).

Consider claim 52, Kawamura et al. teach:

A computer-executable program(Control information(i.e. programs) are stored in memory(24), column 4, lines 25-33) comprising the steps of:

determining whether an image is loaded or unloaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.); and

controlling an output of an icon to show the device in a predetermined area, in case it is determined that the image is loaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.).

Consider claim 53, Kawamura et al. teach:

A computer-readable medium storing a computer-executable program(Control information(i.e. programs) are stored in memory(24), column 4, lines 25-33), the computer-executable program comprising the steps of:

determining whether an image is loaded or unloaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.); and

controlling an output of an icon to show the device in a predetermined area, in case it is determined that the image is loaded(An icon indicating if an image has been transferred to a PC, or transferred to a telephone line is output, see 51 and 52, figure 6, column 8, line 8-62.).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 11-14, and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al.(US 6,522,354) in view of Bullock et al.(US 5,943,050) in view of Schelling et al.(US 5,706,097).

Consider claim 11, Kawamura et al. teach:

A computer-readable medium storing computer-executable process steps to provide a digital camera toolbox(Control information(i.e. programs) are stored in memory(24), column 4, lines 25-33), the process steps comprising:

a displaying step to display a toolbox window(See figure 5, column 5, lines 19-25. A "selection screen"(i.e. toolbox window is displayed) on LCD(19), figures 2 and 3.), the toolbox window including a downloading button("Transfer to PC", figure 4), a viewing button(Either button is used for viewing, as thumbnails are displayed upon the selection of either button, column 5, lines 25-55, figure 6.), a printing button(The "Transfer to PC" button is used to transfer images to a receiving device, which receiving device can be a printer, column 6, lines 36-37.), and an uploading button(The "telephone line" button uploads images via a modem, column 5, line 56 through column 6, line 3.);

a viewing step to view all thumbnail image files stored in the camera in a case the viewing button is selected(Either button is used for viewing, as thumbnails are displayed upon the selection of either button, column 5, lines 25-55, figure 6.);

a downloading step to download all full-resolution image files stored in the camera in a case the downloading button is selected(The "Transfer to PC" button is used to transfer images(i.e. download images) to a receiving device, column 6, lines 28-44. All images can be downloaded via the download button, as a subsequent screen enables the user to choose how many images to transfer, column 5, lines 20-55.);

a printing step(Images can be sent to a printer via the "Transfer to PC" button, column 6, lines 36-37.); and

an uploading step to upload all full-resolution image files stored in the camera to an internet service provider in a case the uploading button is selected(The "telephone line" button uploads images to another computer, a telephone line, a mail server of PC communications, or networks such as the Internet via a modem, column 5, line 56 through column 6, line 3, column 9, lines 29-32. All images can be uploaded via the upload button, as a subsequent screen enables the user to choose how many images to transfer).

However, Kawamura et al. do not explicitly teach a settings button to control settings of a digital camera when selected.

Bullock et al. are similar to Kawamura et al. in that Bullock et al. teach of a camera(118, figure 1) which transmits images to a PC(100, figure 1). Bullock et al. are

further similar in that a digital camera toolbox is used(175, figure 4, column 4, line 55 through column 5, line 65).

However, in addition to the teachings of Kawamura et al., Bullock et al. teach that the digital camera toolbox(175, figure 4) contains a settings button(179) to control settings of a digital camera when selected(column 5, lines 19-22, lines 33-36).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a settings button as taught by Bullock et al. in the digital camera toolbox taught by Kawamura et al. for the benefit of allowing a variety of users, novice to expert to easily control an image capture session of a digital image capture device by capturing images, evaluating images, and adjusting the camera settings to their liking in order to obtain the most desirable images(Bullock et al., column 2, lines 6-10).

However, the combination of Kawamura et al. and Bullock et al. does not explicitly teach that the print button is used to print a contact sheet of selected thumbnail image files stored in the camera when selected.

Schelling et al. are similar in that Schelling et al. teach of transferring images between a camera(44, figure 3) and computer(53). Schelling et al. also similarly teach of sending images to a printer(column 3, line 52 through column 4, line 7).

In addition to the combined teachings of Kawamura et al., and Bullock et al., Schelling et al. teach that a contact sheet("index print") of selected thumbnail image files originally stored in the camera is printed(column 2, lines 43-48, column 3, lines 37-39, column 3, line 53 through column 4, line 8, figures 1, 3, 4, and 5.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the print button taught by the combination of Kawamura et al. and Bullock et al. print a contact sheet of selected thumbnail images as taught by Schelling et al. for the benefit of aiding a user in determining what is contained on an image recording medium, and easily locating specific files within the medium for access(Schelling et al., column 1, lines 50-55).

Consider claim 12, and as applied to claim 11 above, Kawamura et al. further teach that the controlling step includes a step to control download and upload parameters(Kawamura et al. teach that a user can choose which images, and how many to download or upload(i.e. control download and upload parameters), column 5, lines 26-55.).

Consider claim 13, and as applied to claim 11 above, Kawamura et al. teach that the downloading step can involve transmitting images to a printer(see claim 11 rationale). However, the combination of Kawamura et al. and Bullock et al. do not explicitly teach that the downloading step comprises a downloading step to download all thumbnail image files stored in the camera.

Schelling et al. teach of sending all thumbnail image files to a printer in order to produce an index print(column 2, lines 43-48, column 3, lines 37-39, column 3, line 53 through column 4, line 8, figures 1, 3, 4, and 5.).

Therefore, because Kawamura et al. teach that the download step can involve downloading to a printer, and Schelling teaches that all thumbnail images are sent to a printer, the combination of Kawamura et al., Bullock et al., and Schelling teaches that the downloading step comprises a downloading step to download all thumbnail image files stored in the camera.

Consider claim 14, and as applied to claim 11 above, Kawamura et al. teach that the downloading step comprises a downloading step to download all sound files stored in the camera(column 9, line 66 through column 10, line 10).

Consider claim 26, Kawamura et al. teach:

A method to provide a digital camera toolbox(column 5, line 19 through column 10, line 7), the process steps comprising:

displaying a toolbox window(See figure 5, column 5, lines 19-25. A "selection screen"(i.e. toolbox window is displayed) on LCD(19), figures 2 and 3.), the toolbox window including a downloading button("Transfer to PC", figure 4), a viewing button(Either button is used for viewing, as thumbnails are displayed upon the selection of either button, column 5, lines 25-55, figure 6.), a printing button(The "Transfer to PC" button is used to transfer images to a receiving device, which receiving device can be a printer, column 6, lines 36-37.), and an uploading button(The "telephone line" button uploads images via a modem, column 5, line 56 through column 6, line 3.);

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viewing all thumbnail image files stored in the camera in a case the viewing button is selected(Either button is used for viewing, as thumbnails are displayed upon the selection of either button, column 5, lines 25-55, figure 6.);

downloading all full-resolution image files stored in the camera in a case the downloading button is selected(The "Transfer to PC" button is used to transfer images(i.e. download images) to a receiving device, column 6, lines 28-44. All images can be downloaded via the download button, as a subsequent screen enables the user to choose how many images to transfer, column 5, lines 20-55.);

a downloading step to download all full-resolution image files stored in the camera in a case the downloading button is selected(The "Transfer to PC" button is used to transfer images(i.e. download images) to a receiving device, column 6, lines 28-44. All images can be downloaded via the download button, as a subsequent screen enables the user to choose how many images to transfer, column 5, lines 20-55.);

printing in a case the printing button is selected(Images can be sent to a printer via the "Transfer to PC" button, column 6, lines 36-37.); and

uploading all full-resolution image files stored in the camera to an Internet service provider in a case the uploading button is selected(The "telephone line" button uploads images to another computer, a telephone line, a mail server or PC communications, or networks such as the Internet via a modem, column 5, line 56 through column 6, line 3, column 9, lines 29-32. All images can be uploaded via the upload button, as a subsequent screen enables the user to choose how many images to transfer).

However, Kawamura et al. do not explicitly teach a settings button to control settings of a digital camera when selected.

Bullock et al. are similar to Kawamura et al. in that Bullock et al. teach of a camera(118, figure 1) which transmits images to a PC(100, figure 1). Bullock et al. are further similar in that a digital camera toolbox is used(175, figure 4, column 4, line 55 through column 5, line 65).

However, in addition to the teachings of Kawamura et al., Bullock et al. teach that the digital camera toolbox(175, figure 4) contains a settings button(179) to control settings of a digital camera when selected(column 5, lines 19-22, lines 33-36).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a settings button as taught by Bullock et al. in the digital camera toolbox taught by Kawamura et al. for the benefit of allowing a variety of users, novice to expert to easily control an image capture session of a digital image capture device by capturing images, evaluating images, and adjusting the camera settings to their liking in order to obtain the most desirable images(Bullock et al., column 2, lines 6-10).

However, the combination of Kawamura et al. and Bullock et al. does not explicitly teach that the print button is used to print a contact sheet of selected thumbnail image files stored in the camera when selected.

Schelling et al. are similar in that Schelling et al. teach of transferring images between a camera(44, figure 3) and computer(53). Schelling et al. also similarly teach of sending images to a printer(column 3, line 52 through column 4, line 7).

In addition to the combined teachings of Kawamura et al., and Bullock et al., Schelling et al. teach that a contact sheet("index print") of selected thumbnail image files originally stored in the camera is printed(column 2, lines 43-48, column 3, lines 37-39, column 3, line 53 through column 4, line 8, figures 1, 3, 4, and 5.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the print button taught by the combination of Kawamura et al. and Bullock et al. print a contact sheet of selected thumbnail images as taught by Schelling et al. for the benefit of aiding a user in determining what is contained on an image recording medium, and easily locating specific files within the medium for access(Schelling et al., column 1, lines 50-55).

Consider claim 27, and as applied to claim 26 above, Kawamura et al. further teach that the controlling step includes a step to control download and upload parameters(Kawamura et al. teach that a user can choose which images, and how many to download or upload(i.e. control download and upload parameters), column 5, lines 26-55.).

Consider claim 28, and as applied to claim 26 above, Kawamura et al. teach that the downloading step can involve transmitting images to a printer(see claim 11 rationale). However, the combination of Kawamura et al. and Bullock et al. do not explicitly teach that the downloading step comprises a downloading step to download all thumbnail image files stored in the camera.

Schelling et al. teach of sending all thumbnail image files to a printer in order to produce an index print(column 2, lines 43-48, column 3, lines 37-39, column 3, line 53 through column 4, line 8, figures 1, 3, 4, and 5.).

Therefore, because Kawamura et al. teach that the download step can involve downloading to a printer, and Schelling teaches that all thumbnail images are sent to a printer, the combination of Kawamura et al., Bullock et al., and Schelling teaches that the downloading step comprises a downloading step to download all thumbnail image files stored in the camera.

Consider claim 29, and as applied to claim 26 above, Kawamura et al. teach that the downloading step comprises a downloading step to download all sound files stored in the camera(column 9, line 66 through column 10, line 10).

Consider claim 30, Kawamura et al. teach:

An apparatus comprising:

a program memory for storing processing steps(Control information(i.e. programs) are stored in memory(24), column 4, lines 25-33) executable to:

display a toolbox window(See figure 5, column 5, lines 19-25. A "selection screen"(i.e. toolbox window is displayed) on LCD(19), figures 2 and 3.), the toolbox window including a downloading button("Transfer to PC", figure 4), a viewing button(Either button is used for viewing, as thumbnails are displayed upon the selection

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of either button, column 5, lines 25-55, figure 6.), a printing button(The "Transfer to PC" button is used to transfer images to a receiving device, which receiving device can be a printer, column 6, lines 36-37.), and an uploading button(The "telephone line" button uploads images via a modem, column 5, line 56 through column 6, line 3.), view all thumbnail image files stored in the camera in a case the viewing button is selected(Either button is used for viewing, as thumbnails are displayed upon the selection of either button, column 5, lines 25-55, figure 6.), download all full-resolution image files stored in the camera in a case the downloading button is selected(The "Transfer to PC" button is used to transfer images(i.e. download images) to a receiving device, column 6, lines 28-44. All images can be downloaded via the download button, as a subsequent screen enables the user to choose how many images to transfer, column 5, lines 20-55.), send images to a printer in a case the printing button is selected(Images can be sent to a printer via the "Transfer to PC" button, column 6, lines 36-37.); and

upload all full-resolution image files stored in the camera to an internet service provider in a case the uploading button is selected(The "telephone line" button uploads images to another computer, a telephone line, a mail server or PC communications, or networks such as the Internet via a modem, column 5, line 56 through column 6, line 3, column 9, lines 29-32. All images can be uploaded via the upload button, as a subsequent screen enables the user to choose how many images to transfer); and

a processor(15, figure 2) for executing the process steps stored in said program memory(column 4, line 8 through column 7, line 67).

However, Kawamura et al. do not explicitly teach a settings button to control settings of a digital camera when selected.

Bullock et al. are similar to Kawamura et al. in that Bullock et al. teach of a camera(118, figure 1) which transmits images to a PC(100, figure 1). Bullock et al. are further similar in that a digital camera toolbox is used(175, figure 4, column 4, line 55 through column 5, line 65).

However, in addition to the teachings of Kawamura et al., Bullock et al. teach that the digital camera toolbox(175, figure 4) contains a settings button(179) to control settings of a digital camera when selected(column 5, lines 19-22, lines 33-36).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a settings button as taught by Bullock et al. in the digital camera toolbox taught by Kawamura et al. for the benefit of allowing a variety of users, novice to expert to easily control an image capture session of a digital image capture device by capturing images, evaluating images, and adjusting the camera settings to their liking in order to obtain the most desirable images(Bullock et al., column 2, lines 6-10).

However, the combination of Kawamura et al. and Bullock et al. does not explicitly teach that the print button is used to print a contact sheet of selected thumbnail image files stored in the camera when selected.

Schelling et al. are similar in that Schelling et al. teach of transferring images between a camera(44, figure 3) and computer(53). Schelling et al. also similarly teach of sending images to a printer(column 3, line 52 through column 4, line 7).

In addition to the combined teachings of Kawamura et al., and Bullock et al., Schelling et al. teach that a contact sheet("index print") of selected thumbnail image files originally stored in the camera is printed(column 2, lines 43-48, column 3, lines 37-39, column 3, line 53 through column 4, line 8, figures 1, 3, 4, and 5.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the print button taught by the combination of Kawamura et al. and Bullock et al. print a contact sheet of selected thumbnail images as taught by Schelling et al. for the benefit of aiding a user in determining what is contained on an image recording medium, and easily locating specific files within the medium for access(Schelling et al., column 1, lines 50-55).

Consider claim 31, and as applied to claim 30 above, Kawamura et al. further teach code to control download and upload parameters(Kawamura et al. teach that a user can choose which images, and how many to download or upload(i.e. control download and upload parameters), column 5, lines 26-55.).

Consider claim 32, and as applied to claim 30 above, Kawamura et al. teach code to download all sound files stored in the camera(column 9, line 66 through column 10, line 10).

Consider claim 33, and as applied to claim 30 above, Kawamura et al. teach code to download all sound files stored in the camera(column 9, line 66 through column 10, line 10).

Consider claim 34, Kawamura et al. teach:

Computer-executable program code stored on a computer-readable medium(Control information(i.e. programs) are stored in memory(24), column 4, lines 25-33), said computer-executable program code to provide a digital camera toolbox(figure 5), said computer-executable program code comprising program code executable to:

display a toolbox window(See figure 5, column 5, lines 19-25. A "selection screen"(i.e. toolbox window is displayed) on LCD(19), figures 2 and 3.), the toolbox window including a downloading button("Transfer to PC", figure 4), a viewing button(Either button is used for viewing, as thumbnails are displayed upon the selection of either button, column 5, lines 25-55, figure 6.), a printing button(The "Transfer to PC" button is used to transfer images to a receiving device, which receiving device can be a printer, column 6, lines 36-37.), and an uploading button(The "telephone line" button uploads images via a modem, column 5, line 56 through column 6, line 3.), view all thumbnail image files stored in the camera in a case the viewing button is selected(Either button is used for viewing, as thumbnails are displayed upon the selection of either button, column 5, lines 25-55, figure 6.), download all full-resolution image files stored in the camera in a case the downloading button is selected(The

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"Transfer to PC" button is used to transfer images(i.e. download images) to a receiving device, column 6, lines 28-44. All images can be downloaded via the download button, as a subsequent screen enables the user to choose how many images to transfer, column 5, lines 20-55.), send images to a printer in a case the printing button is selected(Images can be sent to a printer via the "Transfer to PC" button, column 6, lines 36-37.); and

upload all full-resolution image files stored in the camera to an internet service provider in a case the uploading button is selected(The "telephone line" button uploads images to another computer, a telephone line, a mail server of PC communications, or networks such as the Internet via a modem, column 5, line 56 through column 6, line 3, column 9, lines 29-32. All images can be uploaded via the upload button, as a subsequent screen enables the user to choose how many images to transfer).

However, Kawamura et al. do not explicitly teach a settings button to control settings of a digital camera when selected.

Bullock et al. are similar to Kawamura et al. in that Bullock et al. teach of a camera(118, figure 1) which transmits images to a PC(100, figure 1). Bullock et al. are further similar in that a digital camera toolbox is used(175, figure 4, column 4, line 55 through column 5, line 65).

However, in addition to the teachings of Kawamura et al., Bullock et al. teach that the digital camera toolbox(175, figure 4) contains a settings button(179) to control settings of a digital camera when selected(column 5, lines 19-22, lines 33-36).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a settings button as taught by Bullock et al. in the digital camera toolbox taught by Kawamura et al. for the benefit of allowing a variety of users, novice to expert to easily control an image capture session of a digital image capture device by capturing images, evaluating images, and adjusting the camera settings to their liking in order to obtain the most desirable images(Bullock et al., column 2, lines 6-10).

However, the combination of Kawamura et al. and Bullock et al. does not explicitly teach that the print button is used to print a contact sheet of selected thumbnail image files stored in the camera when selected.

Schelling et al. are similar in that Schelling et al. teach of transferring images between a camera(44, figure 3) and computer(53). Schelling et al. also similarly teach of sending images to a printer(column 3, line 52 through column 4, line 7).

In addition to the combined teachings of Kawamura et al., and Bullock et al., Schelling et al. teach that a contact sheet("index print") of selected thumbnail image files originally stored in the camera is printed(column 2, lines 43-48, column 3, lines 37-39, column 3, line 53 through column 4, line 8, figures 1, 3, 4, and 5.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the print button taught by the combination of Kawamura et al. and Bullock et al. print a contact sheet of selected thumbnail images as taught by Schelling et al. for the benefit of aiding a user in determining what is contained

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on an image recording medium, and easily locating specific files within the medium for access(Schelling et al., column 1, lines 50-55).

Consider claim 35, and as applied to claim 34 above, Kawamura et al. further teach code to control download and upload parameters(Kawamura et al. teach that a user can choose which images, and how many to download or upload(i.e. control download and upload parameters), column 5, lines 26-55.).

Consider claim 36, and as applied to claim 34 above, Kawamura et al. teach code to download all sound files stored in the camera(column 9, line 66 through column 10, line 10).

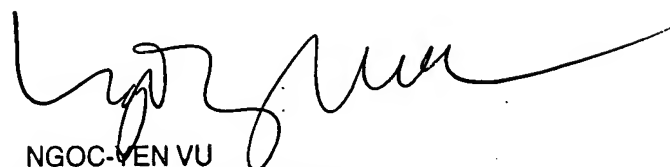
Consider claim 37, and as applied to claim 34 above, Kawamura et al. teach code to download all sound files stored in the camera(column 9, line 66 through column 10, line 10).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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